

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>WOLF CARBON SOLUTIONS US, LLC,</p> <p>Petitioner,</p> <p>v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,</p> <p>Respondent.</p>	<p>Case No. EQCE088016</p> <p>RESPONSE TO MOTION FOR TEMPORARY INJUNCTION</p>
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COMES NOW Respondent Iowa Utilities Board (Board), by and through its undersigned counsel, and in response to Petitioner’s [Motion] for Temporary Injunction respectfully states:

1. Wolf Carbon Solutions US LLC (Wolf) filed its petition seeking “expedited consideration” of its request for temporary and permanent injunctive relief to enjoin the Board’s disclosure of Wolf’s mailing list of landowners affected by Wolf’s proposed pipeline. The Board considers Wolf’s request for expedited consideration as a motion for a temporary and preliminary injunction.

2. In its petition and brief, Wolf erroneously characterizes the mailing list as one Wolf voluntarily provided to the Board.

3. On July 14, 2022, in *Wolf Carbon Solutions US LLC*, Board Docket No. HLP-2022-0002, the Board ordered Wolf to compile and file the mailing list to allow the Board to determine 1) whether there were conflicts of interest with the proposed pipeline; and 2) whether proper notice had been provided to the landowners.

4. On August 14, 2022, Wolf filed an Application for Confidential Treatment in Board Docket No. HLP-2022-0002 in regard to the mailing list – the materials for which the

temporary and preliminary injunction is now sought in this District Court action. The filing of such request triggers the temporary withholding of the materials by the Board pursuant to 199 IAC 1.9(6)“c”.

5. Before ruling on Wolf’s application, on August 24, 2022, the Board notified Wolf of a series of public records requests for

IUB records that are not routinely available for public inspection to the extent the subject of the request includes materials for which a request for confidentiality has been filed pursuant to 199 Iowa Administrative Code 1.9(6) and has not yet been ruled upon by the IUB. Pursuant to Rule 1.9(6)(c), the requested information is currently withheld from public inspection. As such, the request is subject to the provisions of 199 Iowa Administrative Code 1.9(5) and 1.9(8).

6. The Board further notified Wolf that, pursuant to the provisions of IUB rules 1.9(5) and 1.9(8), the Board was withholding the mailing lists from public inspection for a period of 14 days to allow Wolf to obtain injunctive relief in a District Court in the State of Iowa.

7. Pursuant to 199 Iowa Administrative Code (IAC) 1.9(8)“b”(3), following a request for the examination of records determined to be confidential pursuant to Board rules and Iowa Code Chapter 22, the Board will provide notice to the parties and will withhold the confidential records for 14 days to allow the party who submitted the material to seek injunctive relief. If injunctive relief is not requested within the 14-day period, the Board will produce the records for inspection.

8. In the above-captioned case, Wolf has requested injunctive relief.

9. Consistent with 199 IAC 1.9(8), the Board will withhold the records that are the subject of the requested injunction until such time as a determination is made by the Court as to the confidentiality of such records.

10. As Board rules provide for the temporary withholding of confidential records while an injunction is sought by a party, the Board does not resist the granting of a temporary injunction to allow for the litigation of the issues raised herein.

11. There are two related cases (seeking injunctive relief regarding asserted confidentiality of mailing lists) pending in Polk County District Court: *Summit Carbon Solutions, LLC v. Iowa Utilities Board*, CVCV062900 (8/12/2022 order denying motion for permanent injunction; 9/6/2022 Petitioner appeal); and *Navigator Heartland Greenway, LLC v. Iowa Utilities Board*, EQCE088024.

WHEREFORE Respondent Iowa Utilities Board requests this Court grant such relief as may be just and equitable under the circumstances.

Respectfully submitted,

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ALL PARTIES SERVED ELECTRONICALLY